

STEVEN G. KALAR
Federal Public Defender
NED SMOCK
Assistant Federal Public Defender
1301 Clay Street, Suite 1350N
Oakland, CA 94612
Telephone: (510) 637-3500
Fax: (510) 637-3507
Email: ned_smock@fd.org

Counsel for Defendant
CARLOS BORJA-ORELLANA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

CARLOS BORJA-ORELLANA,

DEFENDANT.

CR 16-00291 YGR

STIPULATION AND [~~PROPOSED~~] ORDER SEEKING
DATE FOR HEARING ON REFERRAL TO
CONVICTION ALTERNATIVES PROGRAM

The parties hereby request that the sentencing hearing, currently set for September 21, 2017, be vacated and the matter be reset for a hearing on the defense's request for a referral to this Court's Conviction Alternatives Program ("CAP") on **October 5, 2017**. United States Pretrial Services has assessed Mr. Borja-Orellana and has determined that he is suitable for participation in CAP. Participation in the program would involve deferring sentencing for approximately 12 months to allow Mr. Borja-Orellana to complete the program. At that time, Mr. Borja-Orellana would be sentenced, taking into account his performance in CAP.

The defense has submitted documentation to the government in support of its position that Mr. Borja-Orellana should be permitted to participate in CAP. Both parties need additional time to

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1 discuss the matter as the government determines whether or not it can support the request for a
2 CAP referral. Among other things, the assigned Assistant United States Attorney is seeking
3 guidance from leadership within the office before taking a position on the matter. Accordingly,
4 the parties ask that the matter be calendared for a hearing on the defense request for referral to the
5 Conviction Alternative Program on **Thursday, October 5, 2017 at 3:00 p.m.** The parties will
6 submit memoranda with their respective positions on the matter one week prior to the hearing.
7 Because Mr. Borja-Orellana has already entered a guilty plea, there are no Speedy Trial Act issues.

8 DATED: September 14, 2017

9 /S/
NED SMOCK
Assistant Federal Public Defender

10 DATED: September 14, 2017

11 /S/
CHRISTINA McCALL
Assistant United States Attorney

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Federal Public Defender
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~~[PROPOSED]~~ ORDER

Based on the assertions and agreement of the parties as set forth in the parties' filed Stipulation dated September 12, 2017, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to **Thursday, October 5, 2017, at 3:00 p.m.**, before the Honorable Yvonne Gonzalez Rogers, for hearing on the defense request for referral to the Court's Conviction Alternatives Program. The September 21, 2017 at 3:00pm Sentencing hearing is VACATED.

IT IS SO ORDERED.

DATED: September 14, 2017


HON. YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

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